



PROCEDURE FOR VACATION OF A PUBLIC RIGHT OF WAY

For questions regarding vacation of public right-of-way and/or the City's ability to vacate right-of-way, or to begin the vacation process, please contact Scott Szendre, PLS, at Scott.Szendre@ci.kennewick.wa.us or (509) 585-4446. An initial review of the request will determine if it is feasible to move forward with an application.

1. Upon completion of the initial review, the applicant will provide the following documents to the Public Works Department at the Dan Frost Municipal Services Building, 1010 E. Chemical Drive, Kennewick, WA 99336 **Attn: Scott Szendre**. Mailed applications will be mailed to PO Box 6108 Kennewick, WA 99336:
 - A vacation request in the form of a letter stating what the applicant is requesting to vacate and why.
 - Drawing & legal description of the right-of-way to be vacated.
 - Petition (form provided by City) completed by the applicant that includes easement size, type, parcel identification number, physical address, names and addresses of abutting property owners, owner name & signature, and required signatures of approval from public utility companies (if applicable). It will be the applicant's responsibility to obtain the signatures and approvals from public utility companies listed on the attached Petition for the vacation of a public right-of-way.
 - Payment in the form of a check in the amount of \$50.00 for the processing fee, in addition to the amount of current Benton County Auditor recording fee (<https://www.bentonauditor.com/Recording-Services>). The \$50.00 processing fee is nonrefundable. The recording fee is only refundable if the easement vacation is not approved.
2. Upon verification that all the vacation request documentation is complete, copies of the vacation request will be routed to the Public Works, Developmental Services, Police, Fire, and Parks & Recreation Departments for review and comments. Ten (10) working days are allowed for this process. Incomplete documents shall be sent back to the applicant for correction prior to processing the request.
3. After comments (if any) have been returned and assuming that no objections to vacation of the right-of-way are received, the vacation request will be placed on the next available City Council agenda for a Resolution to Set a Public Hearing for the right-of-way vacation. (City Council normally meets the first and third Tuesday evenings of each month). The Public Hearing date will take place not more than sixty (60) days or less than twenty (20) days after the passage of such resolution. The City Clerk will notify all abutting property owners and publish a Notice of Public Hearing in the Tri-City Herald twenty (20) days prior to the Public Hearing. A copy of the City Council agenda items will be sent to the parties requesting the right-of-way vacation.

4. The City Attorney's office will prepare an Ordinance for adoption at the Public Hearing. The entire vacation process takes approximately eight (8) to ten (10) weeks upon receipt of a completed application.
5. The Public Works Department will mail the petitioners requesting the public right-of-way vacation a copy of the signed Ordinance and request for payment. Following receipt of payment, the City Clerk will record the Ordinance with the Benton County Auditor. When copies of the recorded document have been received, the Public Works Department shall place the information on City maps.
6. By RCW 35.79.030, "If the legislative authority determines to grant the petition or any part thereof, such city or town shall be authorized and have authority by ordinance to vacate such street, or alley, or any part thereof, and the ordinance may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated."